

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**Kevin M. Everson**  
Plaintiff(s)

vs.

**CASE NUMBER: 5:23-cv-707**

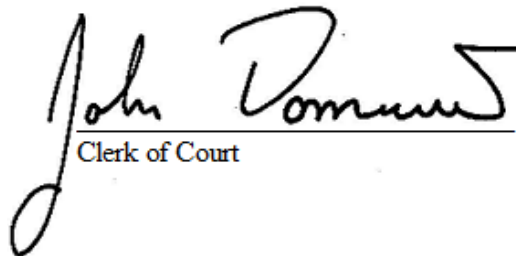
**Onondaga County**  
Defendant(s)

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: DECISION & ORDER adopting Report and Recommendations re [10](#) Report and Recommendations. Plaintiffs objections to the Report-Recommendation of Judge Dancks, dkt. # 11, are hereby OVERRULED. The Report-Recommendation, dkt. # 10, is hereby ACCEPTED and ADOPTED. Plaintiffs Amended Complaint is hereby DISMISSED WITHOUT PREJUDICE. Plaintiff may file an Amended Complaint that addresses the issues raised in Judge Dancks Report-Recommendation if he can in good faith offer allegations that demonstrate his claims are not barred by Heck v. Humphrey and state a claim for municipal liability against the Defendant County of Onondaga. If Plaintiff can file an amended complaint that meets this conditions, he shall do so within forty-five (45) days of the date of this order.

All of the above pursuant to the order of the Honorable **Thomas J. McAvoy**, dated October 24, 2023.

DATED: December 13, 2023

  
Clerk of Court

s/Kathy Rogers  
Deputy Clerk